

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division

PAMELA G. CAPPETTA

Plaintiff,

v.

GC SERVICES, LP

Defendant.

Civil Action
No. 3:08cv288

**PLAINTIFF'S MEMORANDUM IN SUPPORT OF HER MOTION
TO ENLARGE TIME TO FILE HER REPLY BRIEF IN SUPPORT OF
HER SECOND MOTION TO AMEND COMPLAINT**

Plaintiff, by counsel, respectfully moves the Court to enlarge the time for the filing of her reply brief in support of her Second Motion to Amend Complaint to December 29, 2009.

On December 15th, the Defendant filed its opposition to the present motion. On brief, the Defendant introduces novel legal arguments that Plaintiff's counsel has not encountered in any FCRA class case across the country to date, including its theory that a federal magistrate judge does not have jurisdiction to preside over a class action, notwithstanding the Defendant's prior consent to magistrate jurisdiction. In the same brief, the Defendant also apparently asks this Court to engage in an early certification consideration in its favor, or to otherwise find that the delay in discovery in this case rests on the Plaintiff's shoulders, thus barring the filing of the Second Amended Complaint.

While the Plaintiff is conscious of the briefing deadlines imposed by this Court's Local Rules, she submits that the interests of justice dictate that these three novel legal issues should be thoroughly briefed for the Court's consideration. In light of the close proximity of the filing deadline to the holiday break, she moves that this Court extend the deadline for the

filing of her reply brief to Monday, December 29th, 2009, on which she will also file her reply brief in support of her motion to quash the subpoenas issued to her medical providers.

Plaintiff's counsel will then contact chambers next week to set a hearing date on both of these motions as soon as the Court is available for the same.

Respectfully submitted,
PAMELA G. CAPPETTA,

/s/

Matthew J. Erausquin, VSB#65434
Leonard A. Bennett, VSB#37523
Counsel for the Plaintiff
CONSUMER LITIGATION ASSOCIATES, P.C.
3615-H Chain Bridge Road
Fairfax, VA 22030
Tel: 703-273-7770
Fax: 888-892-3512
matt@clalegal.com

CERTIFICATE OF SERVICE

I hereby certify that on the 23rd day of December, 2008 I have electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will then send a notification to the following:

Rebecca H. Royals
Butler Williams & Skilling PC
100 Shockoe Slip
4th Floor
Richmond, VA 23219
rroyals@butlerwilliams.com

James Curie Skilling
Butler Williams & Skilling PC
100 Shockoe Slip
4th Floor
Richmond, VA 23219
jskilling@butlerwilliams.com

_____/s/
Matthew J. Erasquin, VSB#65434
Leonard A. Bennett, VSB#37523
Counsel for the Plaintiff
CONSUMER LITIGATION ASSOCIATES, P.C.
3615-H Chain Bridge Road
Fairfax, VA 22030
Tel: 703-273-7770
Fax: 888-892-3512
matt@clalegal.com